

REMARKS

Claims 1-9 are pending. By this response claims 1, 3 and 9 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Interview

Applicants appreciate the courtesies extended to the Applicants representative during the interview conducted on August 20, 2008. During this interview the differences between the claimed invention recited in independent claims 1, 3 and 9 and the Yamaura and Bansal references were discussed. It was agreed that Applicants would amend the claims as suggested by the Examiner after discussion with his supervisor to overcome the teachings of the current references. Applicants note that independent claims 1, 3 and 9 have been amended in such a manner.

Title

The Title is objected to as not being clearly indicative of the invention. In Response, Applicants have amended the Title to "E-mail Lottery System." Applicants believe the current Title is reflective of the claimed invention.

Prior Art Rejections

Claim 1 stands rejected under 35 U.S.C. §103(a) in view of Yamaura (US 2002/0016199), Bansal (US 6,016,338), von Kohorn (US 5,697,844) and Bansal et al. (US 6,273,816); claim 2 under 35 U.S.C. §103(a) in view of Yamaura, Bansal, von Kohorn and Noh et al. (US 2001/0051896); claims 3 and 9 under 35 U.S.C. §103(a) in view of Yamaura and Bansal; claim 4 under 35 U.S.C. §103(a) in view of Yamaura, Bansal and Noh; claim 5 under 35 U.S.C. §103(a) in view of Yamaura, Bansal, von Kohorn and Acres (US

2002/0061778); claim 6 under 35 U.S.C. §103(a) in view of Yamaura, Bansal and Acres; claim 7 under 35 U.S.C. §103(a) in view of Yamaura, Bansal, von Kohorn, Acres and Landress et al. (US 2003/0191816); and claim 8 under 35 U.S.C. §103(a) in view of Yamaura, Bansal, Acres and Landress. These rejections are respectfully traversed.

As per the interview noted above, Applicants have amended independent claims 1, 3 and 9 to clarify the distinction between the teachings of Yamaura and Bansal and the claimed invention. In this regard, Applicants have amended claim 1 to recite, *inter alia*, wherein if the winning probability results in the second mobile terminal winning a prize, a winning notification is attached to only one of the received e-mails sent from said first mobile terminal prior to being reviewed by said second mobile terminal.

Claim 3 has been amended to recite, *inter alia*, wherein when the lottery-drawing results in the user of the second mobile terminal winning a prize, a winning notification is attached to only one of the received e-mails sent from the first mobile terminal to the second mobile terminal.

Claim 9 has been amended to recite, *inter alia*, wherein the server determines a winner of a prize using at least part of the mobile terminal information and attaches a winning notification when this determination is made to only one email corresponding to the winner.

Applicants respectfully submit that Yamaura and Bansal fail to teach the above-claimed features. Yamaura instead teaches attachment of a number to an email and the user then must go to a particular web page to see if they won a prize based on that particular number.

Further, claims 1, 3 and 9 disclose storing the total amount of received data and determining a winner based on the total amount of received data. Bansal has been provided to teach these features.

Bansal teaches, measuring total call time. Thus, Bansal doesn't teach measuring data amount but instead only the length of a call. The data amounts and call time are not a one to one ratio and thus cannot be considered the same.

During the interview, the Examiner has agreed that the claimed present invention is distinct from Yamaura and Bansal with clarification to the claims. Applicants have amended the independent claims as noted above in accordance with the Examiner's suggestions. Thus, Applicants respectfully submit that the combination of Yamaura and Bansal alone or with von Kohorn fail to teach each and every feature of Applicants independent claims 1, 3 and 9. Further, Noh, Acres and Landress fail to remedy the deficiencies as they are provided to teach aspects of the dependent claims. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least the above reasons Applicants respectfully submit claims 1-9 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No. 10/665,501
Amendment dated October 7, 2008
After Final Office Action of August 27, 2008

Docket No.: 0649-0915P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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